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CLEARINGHOUSE RULE 00-060

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

4. Adequacy of References to Related Statutes, Rules and Forms

The statutory cross-reference in appendix 1-201.10 (B) (33) (b) (i) should refer to “Stats.” instead of “of the Wisconsin Statutes.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. A number of terms are used in the rule that are defined in current ch. ATPC 75, but are not defined in the rule. These terms include “department,” “agent municipality or county,” “retail food establishment” and “potentially hazardous food.” Other potential sources of confusion include the definition of “agent city or county” in s. 97.30, Stats., and the definition of “food establishment” rather than “retail food establishment” in the appendix. It should be noted that definitions are included in the companion rule, ch. HFS 196.

b. Section ATPC 75.02 (3) establishes license fees under a number of different scenarios. However, it appears that a fee is not established where food sales are less than \$25,000 and the establishment processes potentially hazardous food. This could be corrected by drafting s. ATPC 75.02 (3) (d) in a manner similar to s. ATPC 75.02 (4) (b) 4.